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P. Hrngs. \_\_\_\_\_  
IPO Required \_\_\_\_\_  
Pgs. \_\_\_\_\_  
Filed: \_\_\_\_\_

Sponsored by: Collette, Chiles,  
Rushefsky, & Wylie

First Reading: \_\_\_\_\_ Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2008 - GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1  
1 AMENDING the Land Development Code, Article I, Zoning, Division V, Supplemental District  
2 Regulations, Section 5-1000, Subsection 5-1006, On-Site Storage, Subsection 5-  
3 1003.B and Section 2-1100, Definitions, concerning the placement, location and  
4 registration of on-site storage trailers and storage containers within the City limits  
5 of the City of Springfield; and amending Chapter 2, City Code, to adopt a  
6 registration fee for processing on-site storage applications and fines for violation  
7 of the on-site storage ordinance.  
8  
9 \_\_\_\_\_

10 WHEREAS, an amendment to Article I, Zoning, concerning the placement, location and  
11 registration of on-site storage trailers and storage containers within the City limits of the City of  
12 Springfield was initiated by City Council on July 24, 2006; and  
13

14 WHEREAS, following proper notice, a public hearing was held before the Planning and  
15 Zoning Commission on insert date, and the said Commission has made its  
16 recommendation with respect to such an amendment which is contained within this bill; and  
17

18 WHEREAS, proper notice was given of a public hearing before the City Council and that  
19 said hearing was held in accordance with law.  
20

21 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
22 SPRINGFIELD, MISSOURI, as follows, that:  
23

24 Section 1 - The Land Development Code, Article I, Division II, Section 2-1100,  
25 Definitions, is hereby amended by repealing the existing definition for Storage Container and  
26 enacting in lieu thereof a new definition to be integrated into the code alphabetically, which shall  
27 read as follows:  
28

29 **Storage Container:** A container, including what is sometimes referred to as  
30 storage "pods" or "portable on demand storage units"; any box van that has been  
31 disconnected from a chassis; and similar intermodal type shipping/cargo containers.

that are (a) designed and commonly used for storing, shipping or transporting products and materials, and (b) are typically transported by a separate motorized vehicle or upon a trailer. ~~A large container, which is capable of use for shipping goods or materials by rail, ship, air or over the road, that is used on a premise for storage, with or without a transport vehicle or trailer.~~

NOTE: Language to be added appears underscored and language to be deleted is ~~stricken~~.

Section 2 - The Land Development Code, Article I, Zoning, Division II, Section 2-1100, Definitions is hereby amended by adding the following new definitions for Storage Trailer and On-Site Storage, to be integrated into the code alphabetically, which shall read as follows:

**Storage Trailer:** Includes any dry freight van, semi-trailer, tractor trailer, refrigerated van, or similar type trailer, whether connected to a chassis or trailer or not.

**On-site Storage:** The use of Storage Containers or Storage Trailers for storage and/or warehousing purposes or any purpose or intent other than that for which the container or trailer was originally designed, that being for the shipping and transporting of products and materials.

NOTE: Language to be added appears underscored.

Section 3 – The Land Development Code, Article I, Zoning, Division V, Section 5-1000, Accessory Structures and Uses, Subsection 5-1003.B, is hereby amended by adding paragraph 10 thereto which paragraph shall read as follows:

10. On-site storage shall be permitted if in compliance with Section 5-1006.

NOTE: Language to be added appears underscored.

Section 4 - The Land Development Code, Article I, Zoning, Division V, Section 5-1000, Subsection 5-1006, On-Site Storage is hereby repealed in its entirety and a new Section 5-1006 is hereby enacted which shall read as follows:

**Section 5-1006**      **On-site Storage**

**5-1006.1**      **On-Site Storage; General Provisions**

A. It shall be unlawful for any person to have on-site storage on any property except in compliance with this section.

B. It shall be unlawful for any person to place a storage container or storage trailer on any property except in compliance with this section.

C. Storage of an empty storage trailer or an empty storage container on any property is defined as outdoor storage and shall comply with the use limitations of the underlying zoning district, provided outdoor storage is permitted in the applicable zoning district.

D. The customary activity of motor freight terminals, distribution centers or similar uses of receiving, handling and transferring of merchandise utilizing trailers and

containers is not considered outdoor or on-site storage. In the event that these principal uses place a storage trailer or storage container on the property for the purpose of either outdoor or on-site storage, they must comply with the provisions of this Article.

E. Storage trailers and storage containers used as construction site offices, or for the storage of tools or building supplies needed for a construction project, or personal property of the owner or tenant of a building which is being remodeled, during the course of a project on a lot for which a valid building permit exists, are permitted without registration until the expiration of 30-days after a Certificate of Use and Occupancy has been issued by the City. The Director of Building Development Services may authorize the placement of a storage trailer or storage container used for a construction project on property other than the property where the construction project is located upon determining that the location is necessary and reasonable under the circumstances.

F. The loading or unloading of a storage trailer or storage container in all non-residential zoning districts is permitted provided the storage trailer or storage container is located in an off-street loading area that meets requirements of Subsection 6–1304 of this Article.

## **5-1006.2 On-Site Storage, Permitted**

A. On-site storage is permitted in the GR, HC, RI, IC, HM, GM, and LI zoning districts, subject to the following restrictions, requirements and limitations.

1. All on-site storage on property in the GR, HC, RI, IC, HM, GM, and LI zoning districts must be registered with the Department of Building Development Services as defined below.

a. An application for registration shall be completed and submitted to the Department of Building Development Services prior to the placement of any storage trailer or storage container to be used for recycling or on-site storage.

b. In the event the storage trailer or storage container remains on-site for more than 30-days, all required registration fees must be paid within 30-days of the original date of placement on the property.

c. The registration period shall be for a period of two (2) years from the date of approval of the registration.

d. The registration shall expire if not renewed prior to the expiration of the registration period.

e. The registration shall expire and be non-transferable at the time the ownership or tenant operating a business interest in the registration ceases to exist.

f. The application shall be on forms or in a format provided by the Department of Building Development Services and will, at a minimum, require the information listed in this subsection to be provided.

1. The name, address and phone number of the responsible agent for the property owner, who shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity. The responsible agent shall at all times have ownership or management responsibilities with respect to the business of the person requesting the permit or the business of the person leasing the storage trailer or storage container.

2. The name, address, phone number and City of Springfield business license number of the business from which the storage trailer or storage container is leased and the name, address and phone number of the responsible agent for that business, who shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity.

3. In the event the property owner has purchased the storage trailer or storage container, this information shall be so noted on the application.

4. The address of the property on which on-site storage is to be located.

5. An acknowledgement of whether hazardous materials, as defined by the adopted Building Codes, will be stored. The type and maximum quantity of each material to be stored at any given time shall be listed.

6. The number and gross square footage of all storage trailers and storage containers to be placed on the property.

7. The gross square footage of the building being served by the on-site storage.

2. The responsible agent shall sign a statement agreeing to provide reasonable access for City Building Inspectors and Fire Department personnel to inspect the interior of all storage trailers and storage containers.

B. The responsible agent shall notify the Department of Building Development Services of any changes in registration information provided with the application within thirty (30) days of the change.

187  
188 C. In GR, HC, RI, IC, and LI zoning districts, the total gross square footage of  
189 storage trailers and storage containers used for on-site storage and recycling  
190 shall be limited to no more than one-third (1/3) of the gross floor area of the  
191 building being served by the on-site storage, but in no case shall the number  
192 of storage trailers and storage containers exceed twenty (20) on any single  
193 property.

194  
195 D. Any property in a GM or HM zoning district is exempt from any limitation on  
196 the number of storage trailers and storage containers used for on-site  
197 storage and recycling, provided full compliance with all other location  
198 requirements and use limitations is achieved.

199  
200 E. Location Requirements and Use Limitations:

201  
202  
203 1. It shall be unlawful to locate on-site storage on property in such a  
204 manner so as to occupy any required parking space, open space,  
205 sight triangle, circulation aisle, setback, easement, detention area,  
206 bufferyard, or perimeter landscaping as defined in this Article or in the  
207 Design Standards for Public Improvements for the City of Springfield.

208  
209 2. It shall be unlawful to locate on-site storage on property so as to be in  
210 conflict with the Fire Code of the City of Springfield or any other  
211 provisions of this Article.

212  
213 3. It shall be unlawful to store hazardous materials in on-site storage  
214 trailers or containers unless in compliance with the Building Code of  
215 the City of Springfield. For the purposes of this subsection, each  
216 storage trailer or storage container is defined as being a single control  
217 area. This limitation is to be applied to each individual storage trailer  
218 or storage container being used for on-site storage.

219  
220 4. Any on-site storage trailer or storage container used for the purpose  
221 of storing quantities of hazardous materials must be properly labeled  
222 on the exterior in accordance with National Fire Protection Agency  
223 (NFPA) guidelines indicating the level of health, flammability and  
224 reactivity of the materials contained therein or placarded with the  
225 appropriate United States Department of Transportation (US DOT)  
226 placard if the materials stored are regulated by the US DOT. If in the  
227 opinion of the Fire Chief or his representative the on-site storage of  
228 these materials pose a significant threat to the health, welfare and  
229 safety of any person, he may order the immediate removal or disposal  
230 of said materials, or both. Every storage trailer and storage container  
231 shall be clearly marked so that it is clear to all emergency response  
232 personnel what hazard(s) may exist.

233  
234 5. It shall be unlawful to use on-site storage for the storage, production  
235 or manufacture of any controlled substance.

236  
237 6. It shall be unlawful to have any utility services provided to a storage  
238 trailer or storage container unless it has been converted into a

building and meets all provisions of this Article and all applicable Building Codes.

7. It shall be unlawful to physically connect, in any manner, any storage trailer or storage container to any structure or building or another storage trailer or storage container.

8. It shall be unlawful to stack merchandise, pallets, furniture, tires, equipment, fixtures, products, trash, debris, or other materials under, around or on top of any storage trailer and storage container.

9. It shall be unlawful to negatively impact adjoining properties to the site.

10. It shall be unlawful for any storage trailer or storage container to be stacked on top of another storage trailer or storage container, or on top of any building.

11. It shall be unlawful to use, maintain, or place a storage trailer or storage container in a manner so as to constitute a public nuisance under any provision of the City Code.

12. It shall be unlawful to have direct sales of any product or service from a storage trailer or storage container.

13. It shall be unlawful to operate a business from a storage trailer or storage container.

14. It shall be unlawful to permit the general public to enter any storage trailer or storage container.

15. It shall be unlawful to place signs on any storage trailer or storage container unless in compliance with Section 5-1400 of this Article and as provided in this subsection.

16. Signage advertising the company leasing or providing the storage trailer or storage container is permitted on the storage trailer or storage container provided said signage does not exceed a total effective area of one (1) square foot on any single surface/side of the storage trailer or storage container.

17. In the GR and HC zoning districts, it shall be unlawful to locate on-site storage in any location other than in that portion of the rear yard directly behind the building being served by the on-site storage, i.e. between the rear building line of the building and the rear lot line, and limited on each side by the extension of the side building lines to the rear lot line, but in no case shall they be located within any required rear yard setback requirement of the zoning district. In addition, on-site storage must be located at least 50-feet from any public rights-of-ways, and

- a. For the purposes of this subsection only, when the property in question is a corner lot or a reversed corner lot, the rear yard shall be defined as that portion of the lot to the rear of the main entrance to the building being served by the on-site storage, and
- b. For the purposes of this subsection only, when the property in question is a through lot, the rear yard shall be defined as that portion of the lot to the rear of the main entrance to the building being served by the on-site storage.
- c. Only in the event that no on-site storage can legally be located in the area previously defined in this subsection, may the Director of Building Development Services permit an alternative location for placement of on-site storage, that being in that portion of a side yard located behind the front building line of the building being served by the on-site storage, provided the on-site storage is located a minimum of one hundred and fifty feet (150'), measured radially from the closest point of any primary structure located on an adjacent property that can be visually observed from any portion of the on-site storage and shall be placed in such a manner as to be behind the front or side building lines of all adjacent buildings. In addition, on-site storage must be located at least 125-feet from any street.

18. In the RI, IC, HM, GM, and LI zoning districts, it shall be unlawful to locate on-site storage in any location other than in the side yards or rear yard, provided such on-site storage is screened from public streets, designated arterials or greater street classifications, and screened in accordance with one of the screening standards of Subsection 6-1003 of this Article from other adjacent property, unless the adjacent property is a RI, IC, HM, GM, or LI zoning district. All other applicable requirements of Section 6-1000 shall be satisfied. In addition, on-site storage must be located at least 100-feet from any residential zoning district.

19. It is unlawful to place on-site storage on vacant property in a GM or HM zoning district unless all of the following conditions are met:

- a. The on-site storage is on a property, or multiple contiguous properties, that are immediately adjacent to the property where the building and use being served by the on-site storage is located; and
- b. The on-site storage specifically, and only, serves the building and use on the adjacent property; and
- c. The property upon which the on-site storage is placed must be owned by the same person who owns the building being served; and

- 343
- 344 d. The property upon which the on-site storage is placed must be
- 345 vacant of buildings; and
- 346
- 347 e. The placement of the on-site storage is at least 50-feet from
- 348 any street; and
- 349
- 350 f. The property must have access for all emergency vehicles in
- 351 accordance with the requirements of the Fire Code; and
- 352
- 353 g. The property must be served by fire hydrants as may be
- 354 required by the adopted Fire Code, and
- 355
- 356 h. The placement of on-site storage on the property does not
- 357 create, or result in the creation of, a nuisance; and
- 358
- 359 i. The on-site storage shall be screened from all adjacent
- 360 residential zoning districts in accordance with one of the
- 361 screening standards of Subsection 6-1003 of this Article; and
- 362
- 363 j. All other applicable requirements of Section 6-1000 shall be
- 364 satisfied.
- 365

366 **5-1006.3 Inventory Delivery.** It shall be unlawful to have On-site storage for the

367 purpose of inventory delivery unless it is in compliance with the following

368 restrictions, requirements and limitations.

369

- 370 A. The property must be registered with the Department of Building
- 371 Development Services prior to placement of any storage trailer or storage
- 372 container.
- 373
- 374 B. The property must be located in a non-residential zoning district.
- 375
- 376 C. The use of all storage trailers and storage containers is limited to storing
- 377 inventory of a business that is first establishing its presence on a property,
- 378 provided any storage trailer or storage container is removed from the
- 379 property within 24-hours of being emptied of the businesses inventory.
- 380
- 381 D. All storage trailers and storage containers must be removed from the
- 382 property within thirty (30) days after placement.
- 383
- 384 E. Each storage trailer or storage container must be located on the property in
- 385 such a manner so as to not occupy setback, open space, detention facilities,
- 386 easements, sight triangles, bufferyard or perimeter landscaping areas as
- 387 defined in this Article and in the Design Standards for Public Improvements
- 388 for the City of Springfield.
- 389
- 390 F. No storage trailer or storage container may be stacked one on top of another
- 391 storage trailer or storage container or on top of any building.
- 392



- 393        G.     Each storage trailer or storage container must be located so as to not be in  
394        conflict with the Fire Code or any provision of this Article.
- 395
- 396        H.     It shall be unlawful to have any utility services provided to a storage trailer or  
397        storage container unless it has been converted into a building and meets all  
398        provisions of this Article and all applicable Building Codes.
- 399
- 400        I.     It shall be unlawful to have direct sales of any product or service from a  
401        storage trailer or storage container.
- 402
- 403        J.     It shall be unlawful to place signs on any storage trailer or storage container  
404        unless in compliance with Section 5-1400 of this Article and as provided in  
405        this subsection.
- 406
- 407        K.     Signage advertising the company leasing or providing the storage trailer or  
408        storage container is permitted on the storage trailer or storage container.
- 409
- 410        L.     It shall be unlawful to store hazardous materials in the storage trailer or  
411        storage container placed on the property unless said materials are inventory  
412        being delivered to the business.
- 413
- 414

415        **5-1006.4 Residential Districts.** It shall be unlawful to have On-site storage in all  
416        residential zoning districts, unless in compliance with the following restrictions,  
417        requirements and limitations of this subsection.

418

- 419        A.     The storage trailer or storage container must be registered with the Department  
420        of Building Development Services prior to placement.
- 421
- 422        B.     All on-site storage shall be removed prior to the expiration of thirty (30)  
423        consecutive days after placement on the property.
- 424
- 425        C.     The on-site storage must be located in a legal parking space on the property.
- 426
- 427        D.     The on-site storage shall not be located within fifteen feet (15') of the edge of  
428        pavement or back of curb of any street; and
- 429
- 430        E.     The on-site storage shall not be located in any sight triangle of intersecting  
431        rights-of-ways as defined in this Article.
- 432
- 433        F.     Only one storage trailer or storage container may be located on a property at  
434        any given time.
- 435
- 436        G.     On-site storage shall not be used in conjunction with or associated with a  
437        home occupation.
- 438
- 439        H.     No property shall be permitted to register on-site storage more than twice in  
440        any given 12-month period and any two registration periods must be  
441        separated by a minimum of 60-days.
- 442

I. It shall be unlawful to place signs on any storage trailer or storage container unless in compliance with Section 5-1400 of this Article and as provided in this subsection.

J. Signage advertising the company leasing or providing the storage trailer or storage container is permitted on the storage trailer or storage container.

K. It shall be unlawful to have any utility services provided to a storage trailer or storage container unless it has been converted into a building and meets all provisions of this Article and all applicable Building Codes.

L. It shall be unlawful to store hazardous materials in the storage trailer or storage container placed on the property.

**5-1006.5 Construction Projects Without A Building Permit.** It shall be unlawful to use On-site storage in conjunction with construction projects without a building permit unless in compliance with the following restrictions, requirements and limitations.

A. The storage trailer or storage container must be registered with the Department of Building Development Services prior to placement.

B. The use of on-site storage is limited to the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of the building on the property that is being remodeled.

C. The construction project does not require a building permit.

D. All on-site storage must be located on the property where the work is being performed.

E. The on-site storage in conjunction with construction projects without a building permit in non-residential zoning districts must be located on the property in such a manner so as to not occupy open space, sight triangles, easements, detention facilities, bufferyard or perimeter landscaping areas as defined in this Article and in the Design Standards for Public Improvements for the City of Springfield. If located in residential zoning districts, the location shall be as stipulated in Subsection 5-1006.4.

F. No storage trailer or storage container may be stacked one on top of another storage trailer or storage container or on top of any building.

G. It shall be unlawful to have any utility services provided to a storage trailer or storage container unless it has been converted into a building and meets all provisions of this Article and all applicable Building Codes.

H. It shall be unlawful to place signs on any storage trailer or storage container unless in compliance with Section 5-1400 of this Article and as provided in this subsection.

- I. Signage advertising the company leasing or providing the recycling, storage trailer or storage container is permitted on the storage trailer or storage container.
- J. All on-site storage must be removed from the property prior to the expiration of thirty (30) consecutive days after placement on the property.
- K. No property may be used for on-site storage more than twice in any given 12-month period and any two registration periods must be separated by a minimum of 60-days.
- L. It shall be unlawful to store hazardous materials in the storage trailer or storage container placed on the property.

**5-1006.6 Recycling Containers.** It shall be unlawful to use storage trailers and storage containers as recycling containers in all non-residential zoning districts, except the GR, HC, RI, IC, HM, GM, and LI zoning districts, unless in compliance with the following restrictions, requirements and limitations of this subsection.

- A. The storage trailer or storage container must be registered with the Department of Building Development Services prior to placement.
- B. The use of the storage trailer and storage containers is limited exclusively to recycling tires, paper, cardboard and carpet.
- C. The storage trailers and storage containers are identified with the words "Recycling Container" affixed or painted on any surface/side that is visible from a street or adjacent property, and such identification shall not exceed an effective area of four (4) square feet per surface/side.
- D. All on-site storage must be located on the property in such a manner so as to not occupy setback, open space, sight triangle, easement, detention facilities, bufferyard or perimeter landscaping areas as defined in this Article and in the Design Standards for Public Improvements for the City of Springfield.
- E. The total gross square footage of storage trailers and storage containers used for recycling shall be limited to no more than one-third (1/3) of the gross floor area of the building being served, but in no case shall the number of storage trailers and storage containers used for recycling exceed (3) on any single property.
- F. No storage trailer or storage container may be stacked one on top of another storage trailer or storage container or on top of any building.
- G. Each storage trailer or storage container must be located on the property in a location that is in compliance with the Fire Code and this Article.
- H. No storage trailer or storage container may be located in the front yard. All storage trailers and storage containers must be a minimum of twenty-five (25) feet from any street and a minimum of fifty (50) feet from any residential district.

I. It shall be unlawful to have any utility services provided to a storage trailer or storage container unless it has been converted into a building and meets all provisions of this Article and all applicable Building Codes.

J. The storage trailer or storage container shall not be used for any purpose other than that of recycling as specified in this subsection.

K. No signs advertising on-site or off-site business activities may be placed on the storage trailers or storage containers, except as permitted in this subsection.

L. Signage advertising the company leasing or providing the recycling, storage trailer or storage container is permitted provided said signage does not exceed a total effective area of one (1) square foot on any single surface/side of the storage trailer or storage container.

#### **5-1006.7 Registration**

A. The application for registration for those uses identified in subsections 5-1006.3, 5-1006.4, and 5-1006.5 shall be subject to the restrictions, limitations and requirements of this subsection.

1. An application for registration shall be completed prior to the placement of any storage trailer or storage container for on-site storage.

2. The registration period shall be for a period of thirty (30) days from the date of placement on the property.

3. The application shall be on forms, or in a format, provided by the Department of Building Development Services and, at a minimum, shall require the following information be provided.

a. The name, address and phone number of the responsible agent for the property owner, who shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity. The responsible agent shall at all times have ownership or management responsibilities with respect to the property on which the storage trailer or storage container is placed or used.

b. The name, address, phone number and City of Springfield business license number of the business from which the storage trailer or storage container is leased and the name, address and phone number of the responsible agent for that business, who shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity.

c. The address of the property on which on-site storage is to be located.

594                   d.     The date the storage trailer or container is to be placed on the  
595                             property.

596  
597     B.     The application for registration for those uses identified in subsection 5-1006.6  
598     shall consist of:

600             1.     An application for registration shall be completed and all fees paid prior  
601                     to the placement of any storage trailer or storage container for the  
602                     purpose of providing a container for recycling tires, paper, cardboard or  
603                     carpet; and

604  
605             2.     The registration period shall be for a period of two (2) years from the  
606                     date of placement of the container on the property; and

607  
608             3.     The registration must be renewed prior to the second anniversary of  
609                     the registration; and

610  
611             4.     The application shall be on forms or in a format provided by the  
612                     Department and, at a minimum, shall require the following information  
613                     be provided.

614  
615                   a.     The name, address and phone number of the responsible agent  
616                             for the property owner, who shall be a natural person as  
617                             opposed to a corporation, partnership, firm, joint venture, trust,  
618                             association, organization or other entity. The responsible agent  
619                             shall at all times have ownership or management responsibilities  
620                             with respect to the property on which the storage trailer or  
621                             storage container is placed or used.

622  
623                   b.     The name, address, phone number and City of Springfield  
624                             business license number of the business from which the  
625                             recycling container is leased and the name, address and phone  
626                             number of the responsible agent for that business, who shall be  
627                             a natural person as opposed to a corporation, partnership, firm,  
628                             joint venture, trust, association, organization or other entity.

629  
630                   c.     The address of the property on which on-site storage is be  
631                             located.

632  
633                   d.     The date the storage trailer or container is to be placed on the  
634                             property.

635

635  
636 **5-1006.8 Administration and Enforcement.**

- 637  
639 A. It shall be unlawful to use property for on-site storage except as permitted by this  
640 Article.
- 641  
642 B. It shall be unlawful to place or use a storage trailer or storage container in any  
643 manner that is in conflict with the provisions of this Article.
- 644  
645 C. On-site storage that exists at the time of passage of this ordinance must register  
646 within sixty (60) calendar days of the date of the passage of this ordinance and  
647 must be in compliance with the ordinance within thirty (30) calendar days  
648 following registration.
- 649  
650 D. It shall be unlawful to fail to register on-site storage in accordance with the  
651 provisions of this Section.
- 652  
653 E. A violation of any of the provisions of this Section is hereby defined to be a public  
654 nuisance.
- 655  
656 F. It shall be unlawful to submit false, untrue, or misleading information as part of  
657 the application process, and if found to be so, shall result in the immediate  
658 termination of the application/registration and the denial of any future on-site  
659 storage on the property for which the application was submitted.
- 660  
661 G. The administration and enforcement of this Section shall be in accordance with  
662 Division III, Administration, Enforcement and Review, of this Article.
- 663  
664 H. All official notices of the City for violation of the on-site storage provisions of this  
665 Article may be served upon the responsible agent(s). The person designating the  
666 responsible agent shall agree that any notice to the responsible agent shall  
667 constitute notice to the person designating the responsible agent.
- 668  
669 I. The City Council hereby determines that the "economic value" of a continuing  
670 violation of Section 5-1006 under Section 3-1504 of this Article is not less than  
671 \$50.00 per day per storage trailer or storage container in violation of this Section.
- 672  
673 J. Notwithstanding the above, citations issued for violations of the Fire Code caused  
674 by the presence or placement of storage trailers or storage containers may carry  
675 a different or higher penalty.
- 676  
677 K. Each day that a storage trailer or storage container is in violation of this Section is  
678 a new and separate violation.
- 679  
680 L. In addition to any other fine or penalty that may be assessed as defined above, a  
681 violation of the provisions of this Section dealing with hazardous materials or  
682 controlled substances shall result in the immediate revocation of the registration  
683 and the denial of any future registration for the responsible agents identified as  
684 responsible for the violation and the property upon which the violation occurred  
685 will be unable to be registered for placement of on-site storage for a period of not  
686 less than 90-days and not more than 365-days . In addition, all on-site storage

trailers and/or containers currently located on the property shall be removed within 24-hours of a finding that the allegation of this violation is true.

M. The Director shall have authority to obtain a search warrant based on probable cause pursuant to the procedures set forth in Chapter 74, Subsection 74-33 of the City Code, should a city inspector be denied the right to inspect the interior of any storage trailer or storage container.

N. The provider of any storage trailer or storage container must annually disclose the name, address and phone number of the responsible agent for said provider who shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity. It is the responsibility of the responsible agent of the provider to notify the Department of Building Development Services within 30-days of any changes to the information required to be disclosed.

O. Presumption. The following legal presumptions are hereby established by operation of this ordinance: When a violation is alleged relating to Section 5-1006, a party named pursuant to provisions of this Section as a responsible agent, when one is so named, is presumed to be a person who committed the alleged violation. When a violation is alleged relating to Section 5-1006 whether or not a person has been identified as a responsible agent pursuant to provisions of this Section, the person who owns, occupies, controls, is a tenant of, or conducts business on the property where the violation is alleged to have occurred shall be presumed to be a person who committed the alleged violation. The operation of this Section shall not be construed to prohibit a finding that multiple parties jointly committed a single violation of the provisions of this Section. One or all of the foregoing presumptions may be defeated upon the showing of significant proof by the accused.

NOTE: Language to be added appears underscored.

Section 5 – Chapter 2 of the Springfield City Code is hereby amended to add a new subsection \_\_\_\_\_ to establish fees for certain services provided under this ordinance, said subsection to read as follows:

Two hundred dollars (\$200.00) for issuance of a site registration application required under the provisions of Chapter 36, Land Development Code, Article I, Zoning, Sections 5-1006.2 and 5-1006.6, et seq., On-Site Storage.

NOTE: Language to be added appears underscored.

Section 6 – Chapter 2 of the Springfield City Code is hereby amended to add a new subsection \_\_\_\_\_ to establish fines for violation of this ordinance, said subsection to read as follows:

The minimum fine for violation of the provisions of Chapter 36, Land Development Code, Article I, Zoning, Section 5-1006, On-Site Storage, shall not be less than \$50.00 per day per storage trailer or storage container.

NOTE: Language to be added appears underscored.

739  
740       Section 7 - Savings Clause. Nothing in this ordinance shall be construed to affect any  
741 suit or proceeding now pending in any court or any rights acquired or liability incurred nor any  
742 cause or causes of action occurred or existing, under any act or ordinance repealed hereby.  
743 Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.  
744

745       Section 8 - Severability Clause. If any section, subsection, sentence, clause or phrase  
746 of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of  
747 the remaining portions of this ordinance. The Council hereby declares that it would have  
748 adopted the ordinance and each section, subsection, sentence, clause or phrase thereof,  
749 irrespective of the fact that any one or more sections, subsections, sentences, clauses, or  
750 phrases be declared invalid.  
751

752       Section 9 – This ordinance shall be in full force and effect thirty (30) days from and  
753 after passage.  
754

755 Passed at meeting: \_\_\_\_\_  
756

757  
758 \_\_\_\_\_  
759 Mayor

760 Attest: \_\_\_\_\_  
761

762  
763 Filed as Ordinance: \_\_\_\_\_  
764

765  
766 Approved as to Form: \_\_\_\_\_, City Attorney  
767

768  
769 Approved for Council Action: \_\_\_\_\_, City Manager  
770